



MEMORANDUM

DATE: January 9, 2009
TO: **SCOTT DEBAUCHE**
FROM: Ed Singer, Real Estate Asset Administrator
SUBJECT: **1/8/09 NRG WORKSHOP & NCTD COMMENTS**

DOCKET

07-AFC-6

DATE JAN 09 2009

RECD. JAN 09 2009

Hi Scott,

North County Transit District owns, operates, maintains and repairs 60 miles of railroad corridor from Orange County line to San Diego. Over 60 trains per day at speeds from 55-90mph travel the San Diego Northern Railway

At the south end of Agua Hedionda Lagoon, railroad property is sandwiched between property owned by SDG&E, Cabrillo and NRG.

About 30 days ago, we met with representatives from NRG at our office in Oceanside. NRG presented a site plan and we discussed some railroad-related issues.

NCTD staff is concerned about any activity adjacent to, within, above or below the railroad property, tracks, signaling and other equipment. We are concerned with demolition and construction access to the site, the quality of soils beneath the old tanks, use of existing tunnels for utility purposes, proposed new excavations and borings beneath our tracks, queuing traffic in the vicinity or across Cannon Road railroad crossing, use of cranes and extent of their booms, import and export of noxious chemicals via rail, and any increase to and proper drainage of storm water.

As a federally regulated entity, NCTD requires NRG to obtain a railroad license agreement for any new utility lines, and an encroachment permit to install those facilities as well as gain access, use our property for lay-down, etc. as necessary.

Once NRG's proposals are shown to pose no imminent threat or danger to the railroad and no interference with railroad operations, their plans will be stamped by our engineer. Meanwhile, all fees and documents will have to be completed prior to crossing or working upon railroad property. Plan check varies in length from one week to 45 days. We can issue a license and permit in one week.